

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6642

BILL NUMBER: HB 1129

NOTE PREPARED: Mar 27, 2007

BILL AMENDED: Mar 22, 2007

SUBJECT: Prohibition of Serial Meetings.

FIRST AUTHOR: Rep. Stilwell

FIRST SPONSOR: Sen. Gard

BILL STATUS: As Passed Senate

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that, absent express statutory authorization, a member of the governing body of a public agency who is not physically present at a meeting but communicates with other members of the governing body during the meeting by an electronic means of communication may not participate in a final action taken at the meeting or be considered to be present at the meeting. The bill allows the board of trustees (and a committee of the board) of a state educational institution, the Ivy Tech Board of Trustees (and a committee of the board), the Board of Trustees of Vincennes University (and a committee of the board), the governing body of a joint agency of a municipal utility program, and a board, committee, or commission administered by the Indiana Professional Licensing Agency to conduct meetings by electronic means.

The bill also provides, with certain exceptions, that members of the governing body who participate in a series of gatherings either in person or by electronic means (excluding electronic mail) violate the Open Door Law if: (1) one of the gatherings is attended by at least three members but less than a quorum of the members of the governing body and the other gatherings include at least two members of the governing body; (2) the total sum of different members attending all gatherings at least equals a quorum of the governing body; (3) all the gatherings concern the same subject matter and are held within a period of not more than seven days; and (4) the gatherings are held for the purpose of taking official action on public business. It excludes certain gatherings from the definition of "meeting" under the Open Door Law.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues: The bill allows an action to be filed by any person in any court of competent jurisdiction to declare void any policy, decision, or final action that is based in whole or in part upon official action taken at any series of gatherings in violation if members of the governing body and the series of gatherings meet certain criteria.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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